

2/25/2011

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES FIRE INSURANCE
COMPANY, a corporation,

Plaintiff,

vs.

VESTA STRATEGIES, LLC, a limited
liability company; SAMUEL W. HENKA, an
individual,

Defendants.

THOMAS DILLON, as Receiver for Vesta
Strategies, LLC

Counter-Claimant,

vs.

UNITED STATES FIRE INSURANCE
COMPANY, a corporation.

Counter-Defendant.

THOMAS DILLON, as Court-Appointed
Receiver for Vesta Strategies, LLC and
Excalibur 1031 Group, LLC

Plaintiff,

vs.

CONTINENTAL CASUALTY COMPANY,
an Illinois corporation,

Defendant.

Case No.: C 09-02388 JW

**JOINT STIPULATION TO MOVE AND
COMBINE HEARING DATES
FOR MAY 2, 2011**

Case No.: C 10-5238-JW PSG

1 WHEREAS, in Civil Case No. 09-2388-JW, Counter-Defendant United States Fire
2 Insurance ("U.S. Fire") filed a Motion to Dismiss the Counterclaim filed by Thomas Dillon, the
3 Court-Appointed Receiver for Vesta Strategies, LLC ("Receiver"), which set the motion hearing
4 for March 7, 2011 (Docket No. 201);

5 WHEREAS, the Court noticed the continuance of the above hearing date to March 28,
6 2011 (Docket No. 208), when counsel for the Receiver will be out of the country on a pre-paid
7 trip to Argentina;

8 WHEREAS, in Civil Case No. 10-5238-JW, Defendant Continental Casualty Company
9 ("CNA") filed a Motion to Dismiss the Complaint filed by the Receiver (Docket No. 15) which
10 set the hearing date for April 4, 2011;

11 WHEREAS, due to scheduling conflicts with the above hearing dates, counsel wish to
12 combine both hearings to a future date agreed to by all parties;

13 NOW THEREFORE, pursuant to Civil L.R. 6-2 (a), the parties STIPULATE THAT the
14 March 28, 2011 U.S. Fire hearing date and the April 4, 2011 CNA hearing date should be
15 combined and moved to May 2, 2011.

16
17 DATED: February 23, 2011

BULLIVANT HOUSER BAILEY PC

18 By /s/ Andrew B. Downs (by e-mail auth.)
19 Andrew B. Downs, SBN 111435
20 Norman J. Ronneberg, Jr., SBN 68233

21 Attorneys for Plaintiff and Counter-Defendant
22 United States Fire Insurance Company

23 DATED: February 23, 2011

HOLLISTER & BRACE

24 By /s/ Robert L. Brace
25 Robert L. Brace, SBN 122240
Peter L. Candy, SBN 149976

26 Attorneys for Counter-Defendant Thomas
27 Dillon as Receiver for Vesta Strategies, LLC
28

1 DATED: February 23, 2011

TROUTMAN SANDERS

2 By /s/ Becki F. Kieffer (by e-mail Auth)
3 Becki F. Kieffer, SBN 197773

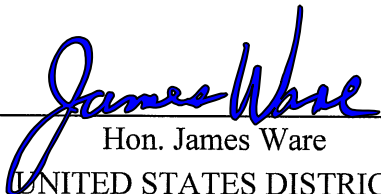
4 Attorneys for Defendant Continental Casualty
5 Company

6 **CERTIFICATE OF SERVICE**

7 This document will be served by the Court via its CM/ECF system, thus pursuant to
8 General Order 45, part IX, no Certificate of Service is necessary, except as to those
9 parties not on the Court's electronic service list.¹ Plaintiff is informed and believes that
10 all parties who have appeared to date have at least one of their attorneys on the
11 electronic service list.

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13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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15 Dated: February 25, 2011

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17 
18 Hon. James Ware
19 UNITED STATES DISTRICT CHIEF JUDGE

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27 ¹ Comment to Civil Local Rule 5-6.
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